**THE HON'BLE SRI JUSTICE V. ESWARAIAH**

**WRIT PETITION NO. 10644 of 2002**

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**Dated: 17-04-2006**

Between:

Syed Jalaluddin.

..Petitioner.

and

The Municipal Corporation of Hyderabad, rep. By its Commissioner, Hyderabad and others.

..Respondents.

**THE HON'BLE SRI JUSTICE V. ESWARAIAH**

**WRIT PETITION NO. 10644 of 2002**

**ORDER:**

This petition is filed seeking a writ of mandamus declaring the action of respondents 1 to 3 in removing the columns and demolishing the wall without following due process of law, even though the petitioner is carried out the work according to the approved plan, as illegal and arbitrary.

The 2nd respondent filed counter stating that the petitioner has constructed 4th floor unauthorizedly without obtaining any permission, but he has submitted a plan for regularization of flat Nos.401, 403 and 404 and completed the work. The flat No.402 is open terrace and constructed the same contrary to the approved plan. It is further stated that the respondents never threatened to demolish the alleged constructions and that the petitioner has approached this Court on mere apprehension.

In view of the aforesaid facts and circumstances of the case, I am of the opinion that the petitioner filed this petition only on mere apprehension and if there are any deviations whatsoever, it is always open to the respondents to issue notice to the petitioner pointing out the deviations and unauthorized constructions and after the explanation submitted by the petitioner, it is open for the respondents to take appropriate action in accordance with law.

The Writ Petition is accordingly disposed of. No order as to costs.

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17-04-2006

sj